

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3262 OF 2006

Shri Deepak Anandrao Dalvi .. Petitioner

Vs.

Smt. Ashatai Sanatan Kamble .. Respondent

Mr. U.B. Nighot for petitioner.

CORAM: B.H. MARLAPALLE, J.

Date : July 03, 2006.

P.C.:

1. By the impugned order dated 17/2/2006 the learned Member of the Motor Accident Claim Tribunal, Ichalkaranji had allowed the application filed under Section 140 of the Motor Vehicle Act, 1988 and directed to pay an amount of Rs.25,000/- by way of no fault liability.

2. In the said order itself the learned Member has noted that the medical certificate had certified the disability of 2% and surely this is the matter of evidence to be led during the trial of the main claim.

3. Having heard the learned counsel for the petitioner, it would be appropriate that the petition is disposed by ensuring that the amount directed to be paid is deposited with the Tribunal and the claim of the petitioner-claimant before the Tribunal shall be decided as per the final award.

4. The petition is, therefore, disposed off by directing the petitioner to deposit the amount of Rs.25,000/- with the Motor Accident Claim Tribunal at Ichalkaranji and said deposit shall be subject to the final decision in M.A.C. No.310 of 2005. If the claim is disallowed, the petitioner shall be eligible for the refund of the said amount.

(B.H. Marlapalle, J.)